

-- 46. An image processing apparatus according to claim 44, wherein the image processing apparatus is an electronic camera. --.

-- 47. An image processing apparatus comprising:  
an image capture unit adapted to capture image data;  
a memory adapted to store the image data captured by the image capture unit;  
an image processing unit adapted to process the image data using the memory;  
and

a refresh control unit adapted to assign a higher priority to a process of storing the image data captured by the image capture unit in the memory than a process of refreshing the memory and to assign a higher priority to the process of refreshing the memory than a process of processing the image data using the memory. --.

-- 48. An image processing apparatus according to claim 47, wherein the refresh control unit is also adapted to assign a higher priority to a process of displaying the image data stored in the memory than the process of refreshing the memory. --.

-- 49. An image processing apparatus according to claim 47, wherein the process of processing the image data is a process of changing a size of the image data. --.

-- 50. An image processing apparatus according to claim 47, wherein the image processing apparatus is an electronic camera. --.

#### REMARKS

This Amendment is submitted as being responsive to the Office Action mailed December 4, 2002. A "Petition for Extension of Time", accompanied by a Credit Card Payment Form PTO-2038 for \$110.00, for extending the due date for responding to the Office Action by one

month are filed with this Amendment. Authorization is granted to charge our deposit account no. 18-1644, if necessary, for any fees needed for entry of this Amendment.

It is noted in the Office Action Summary Page that the PTO has not received the certified copy of the priority document for the above application. Accordingly, the certified copy of the priority document for this application (Japanese Application No. Hei 10-042365 filed February 24, 1998) is submitted in a concurrently filed paper. Entry of receipt of this priority document is respectfully requested.

In the present Amendment, claims 1-40 have been canceled and claims 41-50, including independent claims 41, 44 and 47, have been added as shown above. These additional claims are also submitted in "Attachment A - Additional Claims" attached to this Amendment. It is submitted that no additional claim fee is required. However, authorization is granted to charge our deposit account no. 18-1644, if necessary, for entry of these additional claims.

Canceled claims 1-40 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Pfeiffer et al., U.S. Patent No. 5,146,592. Based upon the cancellation of claims 1-40, the rejections thereto are submitted as being moot. Insofar as the rejections may be applied to the substitute additional claims, the rejections are respectfully traversed and reconsideration is requested.

Newly added independent claim 41 is submitted as follows:

An image processing apparatus comprising:

an image capture unit adapted to capture image data;

a memory adapted to store the image data captured by the image capture unit;

an image compression unit adapted to compress the image data using the memory; and

a refresh control unit adapted to assign a higher priority to a process of storing the image data captured by the image capture unit in the memory than a process of refreshing the memory and to assign a higher priority to the process of refreshing the memory than a process of compressing the image data using the memory.

Independent claim 44 also directed to an image processing apparatus comprises in part an image decompression unit adapted to decompress image data using memory and a refresh control unit adapted to assign a higher priority to a process of storing the image data captured by the image capture unit in the memory than a process of refreshing the memory and to assign a higher priority to the process of refreshing the memory than a process of decompressing the image data using the memory. Independent claim 47 also directed to an image processing apparatus comprises in part an image processing unit adapted to process image data using memory and a refresh control unit adapted to assign a higher priority to a process of storing the image data captured by the image capture unit in the memory than a process of refreshing the memory and to assign a higher priority to the process of refreshing the memory than a process of processing the image data using the memory. It is submitted that the Pfeiffer et al. reference does not disclose or suggest the image processing apparatuses, as claimed in the present invention.

In the Office Action, the Examiner states that the Pfeiffer et al. reference "teaches on Column 23, Lines 24-32 that an arbitration circuit is provided to determine the priority of the various requests to access memory" and "that the screen refresh function of the video DRAM shift registers is given top priority, followed by refresh of the DRAM cells, and then address request from the image algorithm processor". Such, however, does not disclose or suggest a refresh control unit which is adapted to assign a higher priority to a process of storing image data captured by an image capture unit in a memory than a process of refreshing the memory and to

assign a higher priority to the process of refreshing the memory than a process of compressing, decompressing or processing the image data using the memory, as claimed, but rather discloses mediating a plurality of access requests to an image memory 82 (col. 23, ls. 24-32). Further, the Pfeiffer et al. reference discloses servicing "such requests in accordance with a predetermined priority scheme" (col. 23, ls. 24-32), which does not disclose or suggest the claimed refresh control unit which is adapted to assign a higher priority to a process of storing image data captured by an image capture unit in a memory than a process of refreshing the memory and to assign a higher priority to the process of refreshing the memory than a process of compressing, decompressing or processing the image data using the memory. It is therefore submitted that the newly added independent claims 41, 44 and 47 are patentable based upon the Pfeiffer et al. reference not disclosing or suggesting the claimed apparatuses within the meaning of Section 102. Further, based upon the patentability of the independent claims, the dependent claims are also submitted as being patentable since they differ in scope from the parent independent claims.

If the Examiner believes that an interview would expedite consideration of this Amendment or of the application, a request is made that the Examiner telephone applicants' counsel at (212) 682-9640.

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